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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/081,872	05/20/1998	JOHN H. MESSING		2041

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EXAMINER

MEISLAHN, DOUGLAS J

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 08/27/2003

32

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/081,872

Applicant(s)

MESSING, JOHN H.

Examiner

Douglas J. Meislahn

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 10 June 2003 that amended the specification, cancelled claims 56-78, and added claims 79-98.

Specification

2. The amendment filed 10 June 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: end of first full paragraph on page 3, "further . . ." clause in first paragraph under "Objects and Advantages", "Encapsulation . . ." sentence in the second full paragraph on page 7, paragraph spanning pages 7 and 8, all amendments in the second full paragraph on page 8, addition to the last paragraph on page 9, and all additions on pages 11 and 12.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Claim Objections

3. Claim 91 objected to because of the following informalities: it depends from itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 80 and 83-98, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In claims 80, 86, 87, and 92, the limitation "consisting of . . . one or a plurality" is indefinite. Applicant is advised to change "one or a plurality" to "at least one of" and swap "comprising" for "consisting of".

7. Claims 83 and 94 are method claims according to their preambles, but contain means in the clauses. Either change the preamble to a system or the means to steps.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 79-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher.

Lines 26-37 of column 7 disclose many identifiers of a sending entity, some of which are explicitly sent to a timestamping archive. The archive corresponds to applicant's server system, the sending entity to applicant's client. Element 210 of figure 2 is the reception of a document from the client at the archive. This would necessitate

the establishment of a document and the intent of the client to send the document to the archive.

Element 220 of figure 2 shows the archive authorizing the sender. Element 230 timestamps the document. In lines 38-45 of column 10, Kocher expands on this, saying that the timestamping might include signing. Incidentally, the identifier is also signed since it is potentially part of the document sent to the archive.

Kocher teaches TTIs in lines 48-52 of column 3, which read on unique identifiers. In lines 39-40 of column 7, Kocher mentions network addresses as identifiers. See also figure 3. Line 35 of column 7 mentions credit card numbers. In line 30 of column 7, a client authenticates itself through knowledge of a dedicated phone line number.


Kocher shows a timestamping archival facility that signs and authenticates documents. He does not say that the signature is performed through a symmetric encryption using a key that is derived from the unique document identifier. Please note that in lines 46-47 of column 13, Kocher says that any algorithm may be used in the signature. Official notice is taken that it is old and well known to create symmetric keys based on identifiers. This efficiently assigns keys to entities identified by the identifiers. Official notice is taken that MACs, which are essentially signatures using symmetric keys, are old and well known. These signatures are less computationally complex than public key signatures. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the signature using a keyed MAC, wherein the key was derived from the unique identifier of the document.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached on between 9 AM and 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Douglas J. Meislahn
Examiner
Art Unit 2132

DJM